

**UNITED STATES DISTRICT COURT**  
for the  
**Southern District of Texas**

United States Courts  
Southern District of Texas  
FILED

*March 13, 2024*

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| United States of America        | ) | Nathan Ochsner, Clerk of Court |
| v.                              | ) |                                |
| Mersy Ramirez-Pena              | ) | Case No. <b>4:24-mj-110</b>    |
| A/K/A: Mersy Jackelin Hernandez | ) |                                |
|                                 | ) |                                |
|                                 | ) |                                |
|                                 | ) |                                |

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*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 12th, 2024 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

8 U.S.C. § 1326 (a) and (b)(2)

*Offense Description*

a native and citizen of Honduras, and an alien who had been previously deported from the United States, subsequent to having been convicted of a crime defined as an Aggravated felony, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

Continued on the attached sheet.



*Complainant's signature*

Daniel I. Chagoya, ICE Deportation Officer

*Printed name and title*

Sworn to me telephonically.



*Judge's signature*

Date: 03/13/2024

City and state: Houston, Texas

Christina A. Bryan, United States Magistrate Judge

*Printed name and title*

**4:24-mj-110****AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Daniel I, Chagoya, being duly sworn telephonically, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since November 9, 2008. My law enforcement career began September 18, 2005, as a Customs and Border Protection Officer. I held this position until transferring to Immigration and Customs Enforcement as a Deportation Officer. I currently have over 18 years of immigration law enforcement experience.

(2) On March 12, 2024, at 6:00 p.m. Mersy Ramirez-Pena (“Defendant”) was detained by ICE. The Defendant is also known as or has used the alias Mersy Jackeline Hernandez.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously deported and convicted.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a)(b).

(5) Element One: The Defendant is a citizen and national of Honduras and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasions:

a. Removed 02/27/2023

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on February 12, 2024, at Houston, Texas, which is within the Southern District of Texas. Specifically, the Defendant was found in Harris County, which is in within the Houston Division of the Southern District of Texas.

(8) Element Four: The Defendant did not have permission to reenter the United States. On February 12, 2024, I reviewed the contents of the Alien File associated with this Defendant and/or

available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History. The Defendant has the following prior criminal history:

- a. On 03/11/2024, the defendant was convicted in Harris County #185 Court, for the offense of Assault Family Member. Subject was sentenced to 20 days in the county jail.
- b. On 12/02/2022, the defendant was convicted in the United States Western District for the offense of 1324 (A)(1)A(II) Alien Smuggling and sentenced to 13 months in Federal Prison. 36 months supervised released.
- c. On 05/25/2017, the defendant was convicted in the Harris County 178th District Court in Houston, TX for the offense of Evading Arrest and sentenced to 1 day confinement.
- d. On 09/29/2016, the Defendant was convicted in the Harris County Criminal Court at Law # 14 for the offense of driving while intoxicated and sentenced to 10 days confinement.

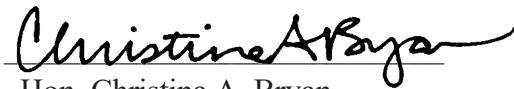
(10) On March 13, 2024, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Jennifer Weinhold (713) 805-6516 accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a)(b).



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Daniel I. Chagoya, Deportation Officer  
United States Department of Homeland Security  
U.S. Immigration & Customs Enforcement

Sworn to me telephonically on this 13<sup>th</sup> day of March 2024, and I find probable cause.



Hon. Christina A. Bryan  
United States Magistrate Judge  
Southern District of Texas